



## State of Utah

### Department of Environmental Quality

Dianne R. Nielson, Ph.D.  
*Executive Director*

DIVISION OF DRINKING WATER  
Kevin W. Brown, P.E.  
*Director*

**Drinking Water Board**  
Anne Erickson, Ed.D., *Chair*  
Myron Bateman, *Vice-Chair*  
Ken Bassett  
Daniel Fleming  
Jay Franson, P.E.  
Helen Graber, Ph.D.  
Paul Hansen, P.E.  
Laurie McNeill, Ph.D.  
Dianne R. Nielson, Ph.D.  
Petra Rust  
Ron Thompson  
Kevin W. Brown, P.E.  
*Executive Secretary*

JON M. HUNTSMAN, JR.  
*Governor*

GARY HERBERT  
*Lieutenant Governor*

### MINUTES OF THE DRINKING WATER BOARD MEETING HELD ON NOVEMBER 17, 2006 IN SALT LAKE CITY, UTAH

#### Board Members Present

Anne Erickson, Ed.D., Chair  
Myron Bateman, Vice Chair  
Ken Bassett  
Daniel Fleming  
Jay Franson, P.E.  
Paul Hansen, P.E.  
Laurie McNeill, Ph.D.  
Dianne Nielson, Ph.D.  
Petra Rust  
Ron Thompson

#### Board Members Excused

Helen Graber, Ph.D.

#### Staff

Kevin Brown  
Ken Wilde  
Ken Bousfield  
Tim Pine  
Bob Hart  
Rich Peterson  
Karin Tatum  
Bill Birkes  
Mark Jensen  
Mike Grange  
John Oakeson  
Kate Johnson  
Linda Matulich

#### Guests

Marisa Egbert, Division of Water Resources  
Steven Sheffey, Dugway Proving Ground  
Marie Owens, Jordan Valley WCD  
Marty Morgan, Circleville Town  
Dennis Hiskey, Teasdale SSD  
Maridee Hiskey, Teasdale SSD  
Joe Phillips, Sunrise Engineering  
Jason Bradford, Franson Noble Engineers  
McKay Morgan, Circleville Town  
Paul Johnson, Mt. View Community Park  
John Johnson, Mt. View Community Park  
Kent Johnson, Mt. View Community Park  
Clyde Watkins, Rural Water Association  
Doug Nielsen, Sunrise Engineering  
Scott Archibald, Sunrise Engineering  
John Chartier, Sunrise Engineering  
Bryan Goodsey, Clarkston Town  
Kathy Morgan, Court Reporter  
Roger Foisy, P.E., District Engineer  
Lynn Wall, Wall Engineering  
Gary Durrant, Metropolitan Water District  
Carol Lamb, Town of Orderville  
Scott Wilson, Central Iron County  
Annette Rindlisbacher, Clarkston Town  
Rachael Alta, Environment Division  
Erick Lassen, Glen Canyon SSD  
Melissa Hubbell, Attorney Generals Office  
Fred Nelson, Attorney Generals Office  
Tom Bingham, Utah Manufacturers Assoc.

#### ITEM 1 – CALL TO ORDER

The Drinking Water Board convened in Salt Lake City, Utah with  
Chairman Erickson presiding. The meeting was called to order at 1:00 p.m.

## ITEM 2 – ROLL CALL

Chairman Erickson asked Kevin Brown to call roll of the Board members. The roll call showed there were 10 members present.

## ITEM 3 – INTRODUCTIONS

Chairman Erickson welcomed everyone and asked the guests to introduce themselves.

## ITEM 4 – APPROVAL OF MINUTES

Chairman Erickson stated a motion to approve the minutes of September 8, 2006 would be in order.

**Daniel Fleming moved to approve the September 8, 2006 Drinking Water Board minutes.**

**Myron Bateman seconded.**

**CARRIED  
(Unanimous)**

## ITEM 5 – MOUNTAIN VIEW COMMUNITY PARK, LLC PUBLIC HEARING

Chairman Erickson opened up the Public Hearing on the Mountain View Community Park, LLC by reading an Opening Statement.

The Mountain View Community Park, LLC's Public Hearing proceedings were recorded by a court report from CitiCourt. The Division of Drinking Water will receive a certified legal copy when it is completed, and will be available for review upon request.

**Jay Franson moved the Board: 1) uphold the first part of the Executive Secretary's June 13, 2006 letter, Notice of Violation, and Penalty Notice in terms of the fine, and 2) the second part is that the Division staff and the Mountain View Community Park LLC owners meet to clarify and document the number of residents, the number of permanent connections, and whether or not Mountain View Community Park LLC qualifies as a transient system.**

**Laurie McNeill seconded.**

Discussion on motion.

**Myron Bateman moved to amend the motion, to reduce the penalty by 50%, and the remaining 50% would be held in abeyance for 24 months. Mountain View Community Park, LLC will have to prove every six months they are in compliance. The remaining 50% will be assessed to Mountain View Community Park, LLC. The fine would stay at \$3,500. If the Mountain View Community Park, LLC proves they are a non-community water system for the next 24 months without a violation of the population counts, they would have to pay 50% of the fine. If they do go into violation, they would have to pay the full \$3,500 fine.**

**Petra Rust seconded.**

Discussion on the amended motion.

**Myron Bateman moved to amend his amended motion to include the Mountain View Community Park, LLC be assessed half the current penalty, and within the next 24 months if they have come into compliance as a community or non-community water system.**

**Petra Rust seconded.**

**Paul Hansen, Myron Bateman, Petra Rust, Ken Bassett, and Anne Erickson voted in favor of the amended motion.**

**Jay Franson, Ron Thompson, Dianne Nielson, Daniel Fleming, and Laurie McNeill voted against the amended motion.**

### **MOTION FAILED**

**Jay Franson restated his motion: Jay Franson moved the Board: 1) uphold the Executive Secretary's June 13, 2006 letter, Notice of Violation and Penalty Notice in terms of the fine, and 2) that the Division Staff and the Mountain View Community Park LLC owners meet to clarify and document the number of residents, the number of permanent connections, and whether or not Mountain View Community Park LLC qualifies as a transient system.**

**Laurie McNeill seconded.**

**Jay Franson, Paul Hansen, Ron Thompson, Anne Erickson, Dianne Nielson, Daniel Fleming, and Laurie McNeill voted in favor of the motion.**

**Ken Bassett, Myron Bateman and Petra Rust voted against the motion.**

### **MOTION PASSED**

### **ITEM 6 – SRF CONSERVATION COMMITTEE REPORT**

a) Status Report – Ken Wilde

Petra Rust stepped out.

Ken Wilde mentioned the Board should have \$11,000,000 in the State SRF Loan Fund program for the next 12 months. The State Hardship Grant Fund has \$815,430, and the loan fund has \$3,748,636.

Ken Wilde mentioned the Board will have an estimated total of \$16,827,777 in the Federal SRF Loan Fund program for the next 12 months. The Board has \$4,937,559 available as of September 30, 2006. The Board also has \$10,888,888 in authorized federal loans that haven't closed yet.

2) State SRF Applications – Rich Peterson

a) Circleville Town

Petra Rust joined the Board meeting.

Rich Peterson reported there are two planning loans and a correction on the loan for the Town of Clarkston.

Ron Thompson proposed putting the 6 loans and grants together as one motion.

**Ron Thompson moved the Board authorize the staff recommendations of the 6 loan and grant requests as one motion.**

**Ken Bassett seconded.**

Myron Bateman read the staff recommendations of each the 6 loan and grant requests. Circleville's request is for a planning loan of \$20,000 at 0% for 5 years. Teasdale Special Service District's request is for a planning loan of \$16,000 at 0% for 5 years. The Town of Clarkston's amended request is for a construction loan of \$705,000 at 2.74% for 20 years. Glen Canyon Special Service District's request is for a loan of \$484,000 at 0% for 20 years and a grant for \$327,000 to update their distribution system, with the condition they resolve the appropriate issues on their compliance report. The Town of Orderville's request is for a loan of \$1,569,000 at 2.22% for 30 years and a grant of \$600,000 for a new water line and storage tank, with the condition they resolve the appropriate issues on their compliance report. The Central Iron County Water Conservancy District – Phase II's request is for a \$3,500,000 construction loan at 2.17% for 20 years, with the option to roll the balance of their \$75,000 planning advance at 1.46% into the construction loan at the new interest rate.

Discussion on motion.

**Ron Thompson amended his motion to authorize the staff recommendations for the two planning loans as one motion, 1) the Town of Circleville's request of \$20,000 at 0% for 5 years, and 2) the Teasdale Special Service District's request of \$16,000 at 0% for 5 years.**

**Ken Bassett seconded.**

**CARRIED  
(Unanimous)**

b) Teasdale Special Service District

Teasdale Special Service District's request for a planning loan of \$20,000 at 0% for 5 years was combined with the Town of Circleville's planning loan request motion as stated in item 6.2.a above.

Discussion followed on whether or not to put the loans and grants together as one motion starting at the next Board meeting.

c) Clarkston Town

Rich Peterson reported on the change for the Town of Clarkston's application. The original projected cost was \$705,000. The new project cost is \$785,000, with a new request of \$705,000 at 2.74% for 20 years.

Scott Archibald, Sunrise Engineering, addressed the Board.

**Ron Thompson moved the Board authorize the Town of Clarkston a construction loan of \$705,000 at 2.74% for 20 years.**

**Jay Franson seconded.**

**CARRIED  
(Unanimous)**

d) Glen Canyon SSD

Rich Peterson reported on Glen Canyon Special Service District's request for a loan of \$484,000 at 0% for 20 years and a grant of \$327,000 to update their distribution system, with the condition they resolve the appropriate issues of their compliance report.

Erick Lassen, Superintendent for the Glen Canyon Special Service District, addressed the Board.

Discussion followed.

**Paul Hansen moved the Board authorize a loan of \$484,000 at 0% for 20 years and a grant of \$327,000 for updating their distribution system, with the condition they resolve the appropriate issues on their compliance report.**

**Daniel Fleming seconded.**

**CARRIED  
(Unanimous)**

e) Orderville Town

Rich Peterson reported the Town of Orderville is requesting a \$1,569,000 at 2.22% for 30 years and a grant of \$600,000 for the construction of a new water line and a storage tank.

Discussion followed.

**Ron Thompson moved the Board authorize a loan of \$1,569,000 at 2.22% for 30 years and a grant of \$600,000 for a new water line and storage tank, with the condition they resolve the appropriate issues on their compliance report.**

**Laurie McNeill seconded.**

**CARRIED  
(Unanimous)**

3) Federal SRF Applications – Julie Cobleigh

a) Central Iron County WCD Phase II

Julie Cobleigh reported Central Iron County WCD is requesting a \$3,500,000 construction loan at 2.17% for 20 years with the option of the balance of their \$75,000 planning advance at 2.46% into the construction loan at the new interest rate. Central Iron County WCD is requesting \$3,500,000 from Rural Development as well. Phase II is a 3 phase project which will incorporate regionalization. Phase II's project consists of a new well, refurbishing an existing well, a transmission pipeline, a water distribution system, and a 2,000,000 gallon water storage tank.

Discussion followed.

**Ron Thompson moved Board authorize a \$3,500,000 construction loan to Central Iron County Water Conservancy District at 2.17% for 20 years, with the option to roll the balance of their \$75,000 planning advance at 2.46% into the construction loan at the new interest rate.**

**Jay Franson seconded.**

**CARRIED  
(Unanimous)**

**ITEM 7 – APPROVAL OF EXECUTIVE SECRETARY, ASSISTANT EXECUTIVE SECRETARY  
AND ACTING DIRECTOR**

Dianne Nielson reported that Kevin Brown's last day with the Division of Drinking Water will be on December 1, 2006.

Dianne reviewed the process that she will take place to hire a replacement as the Director of the Division of Drinking Water and the Executive Secretary to the Drinking Water Board. Dianne invited the Board to participate in the interviews. Dianne asked the Board for input from the interviews.

Dianne Nielson mentioned while looking for a replacement for Kevin, she requested the Board concur and authorize Ken Bousfield as the Acting Director to the Division of Drinking Water and an Executive Secretary to the Drinking Water Board effective December 1, 2006, until a replacement has been selected.

**Daniel Fleming moved the Board authorize Ken Bousfield as Acting Director to the Division of Drinking Water and Executive Secretary to the Drinking Water Board.**

**Myron Bateman seconded.**

**CARRIED  
(Unanimous)**

#### ITEM 8 – MUTUAL AID AGREEMENT (WARN-U)

Due to the length of the Board meeting, this agenda item will be on the agenda at the next Drinking Water Board meeting.

#### ITEM 9 – MINIMUM PRESSURE RULE – SET EFFECTIVE DATE

Bill Birkes reported Division staff filed a rule amendment on R309-105-9 with the Division of Administrative Rules. The amendment will be in the October 1, 2006 publication of the Utah State Bulletin. The public comment period ends on October 31, 2006 at 5:00 p.m.

Bill reviewed the wording additions to R309-105-9 (1) and the date change in R309-105-9 (2).

Discussion followed.

**Ron Thompson moved the Board authorize the staff recommendation for the Board to select January 1, 2007 as the effective date for the amendment to proceed with the necessary filing and to adopt the rule.**

**Petra seconded.**

**CARRIED  
(Unanimous)**

#### ITEM 10 – PROPOSED RULE POLITICAL SUBDIVISION RULE

Ken Wilde reported Division staff reviewed the rule and discussed some of the proposed amendments to the rule on management and control of drinking water system service housing subdivisions with Fred Nelson, Attorney General.

Fred Nelson addressed questions and concerns about the Political Subdivision Rule.

Discussion followed.

**Jay Franson moved the Board authorize the staff recommendation for the Board to review the proposed changes, and if they agree to authorize staff to file a Notice of Proposed Rule or Change with the Division of Administrative Rules for publication in the December 15, 2006 Edition of the Utah Bulletin.**

**Petra Ruse seconded.**

**CARRIED  
(Unanimous)**

#### ITEM 11 – CHAIRMAN'S REPORT

Chairman Erickson presented Kevin Brown with a plaque. Chairman Erickson thanked him for his invaluable service to the State of Utah, the Division of Drinking Water and the Drinking Water Board.

## ITEM 12 – DIRECTORS REPORT

### a) Staff Update:

#### 1. Michael Grange

Kevin Brown mentioned there are two new employee's with the Division of Drinking Water. Kevin introduced Michael Grange and Julie Cobleigh.

Michael Grange, an engineer, started last month in the Engineering Section of the Division.

Julie Cobleigh has been a temporary employee in the Engineering Section of the Division for approximately 6 months. Julie accepted one of the Engineering positions in the Engineering Section of the Division. Her first day is today, November 17, 2006.

Kevin mentioned there is one engineering position left.

#### 2. Other

Kevin Brown reported that Mike Johanson, a scientist in the Compliance Section will be leaving the end of November. He is in charge of the Disinfection By-Products Rule and Long Term Enhanced Surface Water Treatment Rule. Ken Bousfield is starting the recruitment process to fill the scientist position.

### b) Board Members Website

Kevin Brown mentioned Linda was looking for some information on the Division of Water Resources website. The Division of Water Resources has a section devoted to their Board. The steps are easy and quick to link into their meetings, minutes, agenda's, bio's on the Board members, and any other information related to the Board.

Kevin asked the Board if they would like to use the same type of format as the Division of Water Resources to obtain information on the Drinking Water Board.

Discussion followed.

The Board liked the idea and concurred with Kevin to use the same type of format.

Rich Peterson will work on reformatting the web page for the Drinking Water Board.

### c) Approval of the 2007 Board Meeting Schedule

Kevin Brown proposed the Board use the 2007 Drinking Water Board meeting schedule that is in the packet.

**Ken Bassett moved the Board authorize the 2007 Drinking Water Board meeting schedule as shown in the Board packet.**

**Daniel Fleming seconded.**



**CARRIED**  
**(Unanimous)**

d) Schedule December Board (Conference Call) Meeting to Authorize Administrative

Filing for Public Comment on EPA Rules: LT1, LT2 and Stage 2.

Kevin Brown mentioned staff is requesting the Board hold a teleconference in December to authorize the administrative filing for public comment on EPA Rules: LT1, LT2 and Stage 2, to be held on December 1, December 8 or December 15, 2006.

Discussion followed.

**Ron Thompson moved the Board hold a Teleconference Board meeting on December 8, 2006 at 9:00 a.m. to authorize staff to do an administrative filing of the EPA Rules: LT1, LT2 and Stage 2.**

**Jay Franson seconded.**

**CARRIED**  
**(Unanimous)**

e) Rural Water Association of Utah's Annual Conference – February 27, 2007 to March 2, 2007

Kevin Brown mentioned the Rural Water Association of Utah's annual conference will be held from February 27, 2007 to March 2, 2007.

Kevin mentioned Linda will make the motel arrangements and register the Board for the conference. Linda will get the information to the Board upon completion of the arrangements.

f) Twenty-five (25) Worst Drinking Water Systems

Kevin Brown reported on the list in the packet.

g) New/Upcoming EPA Rules Update

1. Groundwater

Kevin Brown reported EPA is sending out the final Groundwater Rule that was effective on October 11, 2006. Ken Bousfield and staff are evaluating the rule on what the impacts to the water systems in Utah will be, and start working on implementing the Rule.

2. Distribution System

Kevin Brown reported EPA is working on the Distribution System Rule. This rule is a rehash of the Total Coliform Rule, which will also take in some other issues relative to distribution systems, and to make some modifications of that rule. There are several national workgroups to help construct this rule. Patti Fauver will be on one of the national workgroups to work on this rule.

ITEM 13 – UPDATE

The update is in the packet.

ITEM 14 – LETTERS

The letters are in the packet.

ITEM 15 – NEWS ARTICLES

The news articles are in the packet.

ITEM 16 – NEXT BOARD MEETING

The next Board meeting is scheduled for January 12, 2007. The Board meeting will start at 1:00 p.m.

ITEM 17 – OTHER

No other business.

ITEM 18 - ADJOURN

Chairman Erickson stated a motion to adjourn the Board meeting would be in order.

**Jay Franson moved to adjourn the Board meeting at 5:00 p.m.**

**Ron Thompson seconded.**

**CARRIED**  
**(Unanimous)**

Linda Matulich  
Recording Secretary